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SEP 17 2007

In re Application of	:	
Alazel Acheson et al.	:	
Application No. 10/776,370	:	
Filed: February 10, 2004	:	DECISION ON PETITION
Attorney Docket No. MSFT-3026 /	:	UNDER 37 C.F.R. § 1.181(A)
307009.01	:	
Title: SYSTEMS AND METHODS FOR	:	
A DATABASE ENGINE IN-PROCESS	:	
DATA PROVIDER	:	

**OFFICE OF PETITIONS**

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on May 21, 2007.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 11, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 12, 2006. A notice of abandonment was mailed on April 18, 2007.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of both the mail log record and the docket report.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that he has searched the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final action of September 11, 2006, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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